

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

SANDRIA L. SHELDON, #1363945	§	
VS.	§	CIVIL ACTION NO. 6:08cv93
SMITH COUNTY, TEXAS, ET AL.	§	

ORDER OF DISMISSAL

Plaintiff Sandria L. Sheldon, an inmate confined in the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed the above-styled and numbered civil rights lawsuit concerning the facts underlying the revocation of her probation. The complaint was referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that the lawsuit should be dismissed. The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Plaintiff are without merit.

The Report and Recommendation correctly explained that the Supreme Court has held that “in order to recover damages for allegedly unconstitutional conviction or imprisonment, or for other harm caused by actions whose unlawfulness would render a conviction or sentence invalid, a § 1983

plaintiff must prove that the conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination, or called into question by a federal court's issuance of a writ of habeas corpus." *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994). The Fifth Circuit has held that *Heck* extends to complaints about actions taken by officers that would necessarily imply the invalidity of the revocation of a probation or parole. *Jackson v. Vannoy*, 49 F.3d 175, 177 (5th Cir. 1995). In her objections, the Plaintiff merely argued that her probation was wrongfully terminated based on the actions of her probation officer. She did not address either *Heck* or *Jackson v. Vannoy*. Nonetheless, *Heck* governs this lawsuit, and the Plaintiff has not satisfied the *Heck* conditions. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the complaint is **DISMISSED** pursuant to 28 U.S.C. § 1915A(b)(1). It is further

ORDERED that the Plaintiff's claims are **DISMISSED** with prejudice to their being asserted again until the *Heck* conditions are met. It is finally

ORDERED that all motions not previously ruled on are **DENIED**.

So ORDERED and SIGNED this 11th day of August, 2008.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE